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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DEFRANK, JOSEPH S

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

07/01/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/562,178	Applicant(s) SVENSSON, MIKAEL	
	Examiner JOSEPH DEFRANK	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 2-5, 8 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6, 7 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of group VII (claims 1 and 10) in the reply filed on 4-16-08 is acknowledged. The traversal is on the ground(s) that "it would not be unduly burdensome to examine all of the claims at once". This is found to be partially persuasive. Examiner hereby will examine claims 6 and 7 (groups V and VI) along with the elected group VII. Therefor, claims 1, 6, 7, and 10 are examined in this office action. However, because each remaining group (I-IV) has a unique search strategy that must be applied, restriction between these groups is deemed proper and the arguments are found unpersuasive. Each group has an individual class and subclass search plus a unique text search to accompany the classification search.

The requirement is still deemed proper and is therefore made FINAL.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. **It is important that the abstract not exceed 150 words in length** since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because it is too long. The abstract should not exceed 150 words in length. Correction is required. See MPEP § 608.01(b).

Drawings

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "1" or "5". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. The drawings are objected to because the reference character "9B" located in figure 1 does not specifically point out a part of the drawing. Examiner cannot determine what part this label is pointing out. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is

being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

7. Claim 1 is objected to because of the following informalities: “the programme timer” (line 11) lacks antecedent basis. Appropriate correction is required.
8. Claim 6 is objected to because of the following informalities: the claim does not have a grammatically correct ending. Appropriate correction is required. Examiner recommends replacing “, said back pressure roller (30)” with “.”.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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10. Claims 1, 6, 7, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Newell et al. (WO 00/02715; hereafter Newell).

11. With respect to claim 1, Newell discloses a machine for slitting plane packaging blanks (2), said machine being of the type including a driving five roller assembly (40, 40, 56, 56, and additional drive roller; see page 15 lines 7-10) for advancing said packaging blanks, as well as at least one rotatable slitting roller (46) with at least one knife (54) for producing a front edge slit (leading slot; see figures 8a-8c) and a rear edge slit (trailing slot, see figures 8a-8c) in each packaging blank, said knife (54) being sector-shaped, and defined by two knife end edges (knife has two edges formed by the gap which corresponds to the section of the board not cut), a first knife portion adjacent the first knife end edge being adapted to cut the front edge slit (leading slot) out in the front edge of said blank (2), whereas a second knife portion adjacent the other knife end edge being is adapted to cut a rear edge slit (trailing slot) out in the rear edge of said blank (2) and rearwards through said rear edge while said blank (2) is advanced through the machine at a uniform speed (please refer to figures 8-9 for clarification on this sequencing), characterized in; that the sector-shaped knife (54) extends over a per se known central angle v of approx $225-300^\circ$ (see page 14 lines 22-24), and that the knife end edge of the first knife portion by means of the slitting roller (46), the driving motor (7) and a program timer (see page 15 line 20 through page 17 line 29) is adapted to be turned from an initial position - in which the knife end edge is positioned at a predetermined central angle x from radius to the cutting site substantially corresponding to the desired slit length - and a central angle x forwards until the front edge slit (see

figure 8c) has been cut, and that said knife (54) is retarded when the knife gap (see figure 9a) is positioned above the blank (2), and that the other knife end edge of said second knife portion is adapted also by means of said slitting roller (46), said driving motor (7) and said program timer to be turned from an initial angular position and downwards into the blank at the cutting site for the production of the rear edge slit (see figure 9b), and subsequently be turned an arc substantially corresponding to the length of the rear edge slit of said blank (see figure 9b and 9c), where said second knife edge is retarded and then turned forwards in such a manner that the first knife end edge reaches its initial position ready to make slits in a subsequent packaging blank (2). Examiner further notes that the word program(me) is merely defined as “a plan of action” or a “plan or schedule of activities, procedures, etc. to be followed”. This program is clearly defined by page 15 line 20 through page 17 line 29.

12. With respect to claim 6, Newell discloses the machine characterized in that a back pressure roller (48) is provided below the slitting roller (46).

13. With respect to claim 7, Newell discloses the blanks being made of corrugated board (page 1 lines 1-7).

14. With respect to claim 10, Newell discloses the machine wherein the back-pressure roller (48) includes two relatively thin, circular disks (55) interspaced a distance corresponding to the thickness of the knife. Please see figure 4.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of Hardisty, Benzoni, Longwell, Knowlton, Gianaril,

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Hill et al., and Longwell et al. are noted as considered pertinent to the applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH DEFRANK whose telephone number is (571)270-3512. The examiner can normally be reached on Monday - Thursday; 9am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Prone/
Primary Examiner, Art Unit 3724

Joseph De Frank
Examiner
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JD
6-23-08
/J. D./
Examiner, Art Unit 3724